
A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 198, Session Laws of Hawaii 2012, enacted a
2 regulatory structure for athletic trainers, codified as chapter
3 436H, Hawaii Revised Statutes. However, this regulatory
4 structure is set to repeal on June 30, 2018.

5 Auditor Report No. 17-08 recommended that the current
6 registration requirement for athletic trainers should be made
7 permanent. Specifically, the Auditor's Report found that:

- 8 (1) Athletic trainers are healthcare professionals who
9 provide injury prevention, treatment and assessment of
10 injuries, and rehabilitation of injuries, among other
11 services. Athletic trainers also provide emergency
12 medical care and are involved in concussion monitoring
13 and education. The services that an athletic trainer
14 provides may affect the health and safety of athletes,
15 and the proficiencies required by the current
16 regulatory structure are reasonably necessary to
17 protect athletes under an athletic trainer's care;



1 (2) The current regulation of athletic trainers does not
2 impose unreasonable restrictions on individuals
3 entering the profession and does not meaningfully
4 increase the cost of athletic trainer services; and

5 (3) The public interest requires that the profession of
6 athletic trainer continue to be regulated and the
7 program requiring athletic trainers to register with
8 the department of commerce and consumer affairs be
9 reenacted.

10 One area of concern for the Auditor was that the statutory
11 exemptions to the regulation of athletic trainers inadvertently
12 prevents California athletic trainers accompanying teams
13 visiting Hawaii from practicing temporarily as athletic trainers
14 while in Hawaii. The Auditor's Report noted that California is
15 the only state that does not regulate athletic trainers. The
16 Auditor urged consideration of a statutory amendment to
17 temporarily exempt from regulation athletic trainers traveling
18 to Hawaii with California teams.

19 The legislature finds that the regulation of athletic
20 trainers should be made permanent in the interest of public
21 health and safety and that athletic trainers temporarily



1 accompanying teams from a state that does not regulate athletic
2 trainers should be exempted from regulation for a limited time.

3 Accordingly, the purpose of this Act is to:

4 (1) Make permanent the requirements of chapter 436H,
5 Hawaii Revised Statutes, regulating athletic trainers;
6 and

7 (2) Exempt--for a limited time--from regulation
8 individuals temporarily accompanying teams to Hawaii
9 for an athletic or sporting event from a state that
10 does not regulate athletic trainers.

11 SECTION 2. Section 26H-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§26H-4 Repeal dates for newly enacted professional and**
14 **vocational regulatory programs.** (a) Any professional or
15 vocational regulatory program enacted after January 1, 1994, and
16 listed in this section shall be repealed as specified in this
17 section. The auditor shall perform an evaluation of the
18 program, pursuant to section 26H-5, prior to its repeal date.

19 ~~[(b) Chapter 436H (athletic trainers) shall be repealed on~~
20 ~~June 30, 2018.~~



1 ~~(e)]~~ (b) Chapter 465D (behavior analysts) shall be
2 repealed on June 30, 2021.

3 ~~[(d)]~~ (c) Chapter 466L (appraisal management companies)
4 shall be repealed on June 30, 2023."

5 SECTION 3. Section 436H-5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~[§] §436H-5 [§]~~ **Exemptions.** This chapter is not intended
8 to restrict the practice of other licensed healthcare providers
9 practicing within their own recognized scopes of practice and
10 shall not apply to:

11 (1) An individual who possesses a valid license issued
12 under chapter 453, 457G, or 461J who, when acting
13 within the scope of practice allowable under the
14 individual's license, performs the same or similar
15 functions as an individual registered pursuant to this
16 chapter;

17 (2) Students in an educational program for athletic
18 trainers who participate in activities conducted as
19 part of the educational program under the supervision
20 and guidance of a registered athletic trainer
21 registered under this chapter;



- 1 (3) An individual serving in the armed forces of the
2 United States, the United States Public Health
3 Service, the Department of Veterans Affairs, or any
4 other federal agency who engages in activities
5 regulated under this chapter as a part of the
6 individual's employment;
- 7 (4) An individual who is invited to conduct a lecture,
8 clinic, or demonstration regarding the practice of
9 athletic training by a school, professional
10 association, professional society, or other similar
11 entity approved by the department by rule pursuant to
12 chapter 91; provided that the individual does not
13 establish a place of business or regularly engage in
14 the practice of athletic training within the State;
- 15 (5) An individual who possesses a valid license,
16 registration, or certification from another
17 jurisdiction who accompanies an athlete or team of
18 athletes into this State for a temporary period;
19 provided that the individual shall only attend to the
20 needs of that athlete or team of athletes and those



1 persons who travel with that athletic group or team in
2 a capacity other than as a spectator;

3 (6) An individual who possesses a valid license,
4 registration, or certification from another
5 jurisdiction who is invited to engage in the practice
6 of athletic training under the supervision and control
7 of a sponsoring entity for a limited time and solely
8 for a special event; [~~or~~]

9 (7) An individual who does not possess a valid license,
10 registration, or certification from another
11 jurisdiction because that jurisdiction does not
12 regulate athletic trainers; provided that the
13 individual accompanies a team of athletes from that
14 jurisdiction for a temporary period for an athletic or
15 sporting event in the State; provided further that the
16 individual shall be certified by the National Athletic
17 Trainers' Association or the Board of Certification
18 for the Athletic Trainer; or

19 [~~(7)~~] (8) An individual who is an athletic trainer and a
20 patient to himself or herself or gratuitous athletic
21 training by a friend or family member who does not



1 represent himself or herself to be an athletic
2 trainer.

3 Nothing in this chapter shall be construed to limit or prohibit
4 the administration of routine assistance or first aid by a
5 person who is not a registered athletic trainer for injuries or
6 illnesses sustained at an athletic event or program."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 3000;
10 provided that:

11 (1) Section 436H-5(7), Hawaii Revised Statutes, shall be
12 repealed on June 30, 2021; and

13 (2) Section 436H-5, Hawaii Revised Statutes, shall be
14 reenacted in the form in which it read on June 28,
15 2018.



Report Title:

Athletic Trainers; Sunset Repeal; Exemptions

Description:

Makes permanent the regulation of athletic trainers. Exempts, for three years, an individual who temporarily accompanies an athlete or team of athletes into Hawaii from the requirement to possess a valid license, registration, or certification from another jurisdiction if that jurisdiction does not regulate athletic trainers; provided that the individual is certified by the National Athletic Trainers' Association or the Board of Certification for the Athletic Trainer. (HB2062 HD1)

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